

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

FIFTY-SEVENTH DAY, MONDAY, APRIL 18, 2005

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, You are our rock, our fortress, and our deliverer; our God, our stronghold, in whom we take refuge; our shield, and the power of our salvation, our high tower.

May You, the source of our patience and encouragement, enable us to have a harmonizing point of view among ourselves as we progress through the remaining issues before us to the completion of this session. May we be encouraging examples to all who view these proceedings.

As we return again safely from our time with family, we give thanks that You have kept us safe in our travels and continue to do so. May our service in this great state of Missouri be found acceptable in Your sight.

May You, the source of our peace, be with us all.

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Kaci Silvey.

COMMUNICATION FROM THE SECRETARY OF STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE

Stephen S. Davis
Jefferson City, MO

Sir:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 38th Legislative District in the State of Missouri, on the 5th day of April, 2005, as provided by law, the following named person was elected to the office of State Representative, 38th Legislative District as shown by the election results certified to this office by the election authorities of the 38th Legislative District.

Name	Office
Ryan Silvey 8018 N. Elmwood Ave. Lake Spring, MO 65532	State Representative 38 th Legislative District

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the seal of my office
this 14th day of April, 2005.

/s/ Robin Carnahan
Secretary of State

OATH OF OFFICE

Representative-elect Ryan Silvey advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Rod Jetton, Speaker of the Missouri House of Representatives.

Speaker Pro Tem Bearden assumed the Chair.

The Journal of the fifty-fifth day was approved as printed.

The Journal of the fifty-sixth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2235	-	Representative Storch
House Resolution No. 2236	-	Representative Bringer
House Resolution No. 2237		
through		
House Resolution No. 2240	-	Representative Flook
House Resolution No. 2241	-	Representative Munzlinger
House Resolution No. 2242	-	Representative Wood
House Resolution No. 2243	-	Representative Jackson
House Resolution No. 2244	-	Representative Moore
House Resolution No. 2245		
through		
House Resolution No. 2262	-	Representative Robb
House Resolution No. 2263	-	Representative Cooper (155)
House Resolution No. 2264	-	Representative Emery
House Resolution No. 2265	-	Representative Storch
House Resolution No. 2266	-	Representative Wright (159)
House Resolution No. 2267	-	Representative Dusenberg
House Resolution No. 2268	-	Representative Bowman
House Resolution No. 2269	-	Representative Loehner
House Resolution No. 2270	-	Representative Richard
House Resolution No. 2271	-	Representative Brown (30)
House Resolution No. 2272	-	Representatives Guest and Emery

PERFECTION OF HOUSE BILLS

HCS HB 576, relating to the Small Business Regulatory Fairness Board, was taken up by Representative Flook.

On motion of Representative Flook, **HCS HB 576** was adopted.

On motion of Representative Flook, **HCS HB 576** was ordered perfected and printed.

HCS HB 525, relating to ethics, was taken up by Representative May.

Representative Selby offered **House Amendment No. 1**.

Representative Stevenson raised a point of order that **House Amendment No. 1** goes beyond the scope of the underlying bill.

The Chair ruled the point of order well taken.

Representative Wildberger offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative May, **HCS HB 525** was adopted.

On motion of Representative May, **HCS HB 525** was ordered perfected and printed.

HCS HB 532, relating to sales tax exemption for certain vehicles, was taken up by Representative Spreng.

Representative Spreng offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 532, in Line 2 of the Title, by deleting all of said line and inserting in lieu thereof the following, “**to sales and use tax exemptions.**”; and

Further amend said bill, Page 1, Section 144.051, Line 1, by inserting immediately before said line of said section the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at

least twenty-five percent recovered materials as defined in section 260.200, RSMo. **There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.** For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section

142.028, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo.""; and

Further amend said bill, Page 1, Section 144.051, Line 10, by inserting after all of said line the following:

"Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Spreng, **House Amendment No. 1** was adopted.

On motion of Representative Spreng, **HCS HB 532, as amended**, was adopted.

On motion of Representative Spreng, **HCS HB 532, as amended**, was ordered perfected and printed.

HB 530, relating to American Sign Language, was taken up by Representative Moore.

On motion of Representative Moore, **HB 530** was ordered perfected and printed.

HB 320, relating to lapse of school districts, was taken up by Representative Muschany.

On motion of Representative Muschany, **HB 320** was ordered perfected and printed.

HCS HB 440, relating to university governing boards, was taken up by Representative Pratt.

Representative Behnen assumed the Chair.

Speaker Pro Tem Bearden resumed the Chair.

On motion of Representative Pratt, **HCS HB 440** was adopted.

On motion of Representative Pratt, **HCS HB 440** was ordered perfected and printed.

HB 376 was placed on the Informal Calendar.

HCS HB 519, as amended, was placed on the Informal Calendar.

HCS HB 286, relating to the Emancipation Day Commission, was taken up by Representative Bland.

On motion of Representative Bland, **HCS HB 286** was adopted.

On motion of Representative Bland, **HCS HB 286** was ordered perfected and printed.

THIRD READING OF SENATE BILL - CONSENT

SCS SB 69, relating to a conveyance in Jackson County, was taken up by Representative Pratt.

On motion of Representative Pratt, **SCS SB 69** was truly agreed to and finally passed by the following vote:

AYES: 154

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Bland	Bringer	Brooks
Brown 50	Bruns	Burnett	Byrd	Casey
Chinn	Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Fraser
Goodman	Guest	Harris 23	Harris 110	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Iceet	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Spreng	Stefanick	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bean	Black	Bowman	Boykins	Brown 30
George	Marsh	Parker		

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 155

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Bland	Bringer	Brooks

Brown 50	Bruns	Burnett	Byrd	Casey
Chinn	Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Fraser
Goodman	Guest	Harris 23	Harris 110	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Oxford
Page	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda	Rucker
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemyer	Silvey	Skaggs
Smith 14	Smith 118	Spreng	Stefanick	Stevenson
St. Onge	Storch	Sutherland	Swinger	Threlkeld
Tilley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bean	Black	Bowman	Boykins	Brown 30
George	Parker			

VACANCIES: 001

PERFECTION OF HOUSE BILL

HCS HB 353, relating to crime, was taken up by Representative Lipke.

Representative Lipke offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 353, Page 33, Section 540.031, Line 3 of said section, by deleting said line and by inserting in lieu thereof the following:

“direct. The grand jury [shall] **may** examine public buildings and report on their conditions.”; and

Further amend said bill, Section 542.276, Page 34, Line 44, by deleting said line and by inserting in lieu thereof the following:

“[circuit clerk] **issuing court**”; and

Further amend said bill, Section 577.023, Page 52, Line 66 of said page, by inserting immediately after said line the following:

“577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal shall be admissible in a proceeding pursuant to [section] **sections** 565.024, [or] 565.060[,] **or 565.082**, RSMo, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a sworn report to the director of revenue, which shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit or associate circuit court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, RSMo, and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lipke, **House Amendment No. 1** was adopted.

Representative Lipke offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 353, Section 570.255, Page 48, Line 27 of said page, by inserting immediately after said line the following:

“570.300. 1. A person commits the crime of theft of cable television service if he:

- (1) Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or
- (2) Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or
- (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation therefor; or
- (4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service in violation of this section; **or**
- (5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any cable television signal, cables, wires, devices, or equipment, which is used for the distribution of cable television and which results in the unauthorized use of a cable television system or the disruption of the delivery of the cable television service. Nothing in this section shall be construed to prohibit, restrict, or otherwise limit the purchase, sale, or use of any products, including without limitation hardware, software, or other items, intended to provide services and features to a customer who has lawfully obtained a connection from a cable company.**

2. Theft of cable television service is a class C felony if the value of the service appropriated is five hundred dollars or more **or if the theft is a violation of subdivision (5) of subsection 1 of this section;** otherwise theft of cable television services is a class A misdemeanor.

3. Any cable television operator may bring an action to enjoin and restrain any violation of the provisions of this section or bring an action for conversion. In addition to any actual damages, an operator may be entitled to punitive damages and reasonable attorney fees in any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage. In the event of a defendant's verdict the defendant may be entitled to reasonable attorney fees.

4. The existence on the property and in the actual possession of the accused of any connection wire, or conductor, which is connected in such a manner as to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that the accused has committed the crime of theft of cable television service.

5. If a cable television company either:

- (1) Provides unsolicited cable television service; or
- (2) Fails to change or disconnect cable television service within ten days after receiving written notice to do so by the customer, the customer may deem such service to be a gift without any obligation to the cable television company from ten days after such written notice is received until the service is changed or disconnected.

6. Nothing in this section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed television signals for his own use.

7. As used in this section, the term "cable television service" includes microwave television transmission from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Lipke, **House Amendment No. 2** was adopted.

Representative Dusenberg offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 353, Page 3, Section 43.120, Line 30, by inserting after all of said line the following:

“Section A. Chapter 43, RSMo, is amended by adding thereto four new sections, to be known as sections 43.300, 43.310, 43.320 and 43.330, to read as follows:

43.300. Notwithstanding the provisions of subsection 1 of section 43.025, there is hereby created within the Missouri state highway patrol a "Governor's Security Division".

43.310. The superintendent of the Missouri state highway patrol shall appoint from the membership of the patrol, a director of the governor's security division who shall be responsible for the operation of the division.

43.320. 1. The superintendent of the Missouri state highway patrol may assign highway patrol members under the superintendent's command to serve in the governor's security division on a permanent or temporary basis.

2. All salaries, expenses and other costs relating to the assignment of Missouri state highway patrol members to the governor's security division shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

43.330. 1. The director of the governor's security division shall provide transportation, security, and protection for the governor and the governor's immediate family.

2. At the discretion of the superintendent the director of the governor's security division may also provide transportation, security, and protection for other public officials.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dusenberg, **House Amendment No. 3** was adopted.

Representative Ervin offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 353, Section 195.017, Page 20, Line 524 of said page, by inserting immediately after said line the following:

"195.214. 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a child care facility as defined in section 210.201, RSMo, a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.

195.216. 1. A person commits the offense of distribution of a controlled substance near a park if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private park, state park, county park, or municipal park.

2. Distribution of a controlled substance near a park is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Ervin, **House Amendment No. 4** was adopted.

Representative Skaggs offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 353, Page 44, Section 559.115, Line 67, by inserting after all of said line the following:

"565.081. 1. A person commits the crime of assault of a law enforcement officer, **security officer**, or emergency personnel in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, **security officer**, or emergency personnel.

2. As used in this section[,] **the following terms shall mean:**

(1) "Emergency personnel" [means], any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo;

(2) "**Security officer**", **an individual wearing a distinctive uniform or badge indicating the individual's employment as a security officer.**

3. Assault of a law enforcement officer, **security officer**, or emergency personnel in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer, **security officer**, or emergency personnel in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, **security officer**, or emergency personnel by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, **security officer**, or emergency personnel by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, **security officer**, or emergency personnel; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, **security officer**, or emergency personnel;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, **security officer**, or emergency personnel by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, **security officer**, or emergency personnel in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, **security officer**, or emergency personnel.

2. As used in this section[,] **the following terms shall mean:**

(1) "Emergency personnel" [means], any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo;

(2) "**Security officer**", **an individual wearing a distinctive uniform or badge indicating the individual's employment as a security officer.**

3. Assault of a law enforcement officer, **security officer**, or emergency personnel in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.

565.083. 1. A person commits the crime of assault of a law enforcement officer, **security officer**, or emergency personnel in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, **security officer**, or emergency personnel;

(2) Such person purposely places a law enforcement officer, **security officer**, or emergency personnel in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, **security officer**, or emergency personnel without the consent of the law enforcement officer, **security officer**, or emergency personnel.

2. As used in this section[,] **the following terms shall mean:**

(1) "Emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo;

(2) **"Security officer", an individual wearing a distinctive uniform or badge indicating the individual's employment as a security officer.**

3. Assault of a law enforcement officer, **security officer**, or emergency personnel in the third degree is a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Skaggs moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Kratky offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 353, Section 559.036, Page 42, Line 44 of said page, by inserting immediately after said line the following:

"559.105. 1. Any person who has been convicted of or has pled guilty to a violation of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to, the following:

(1) **A victim's reasonable expenses to participate in the prosecution of the crime;**

(2) **A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and**

(3) **A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant.**

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole for a violation of subdivision (2) of subsection 1 of section

569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, may be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served."; and

Further amend said bill, Section 569.050, Page 47, Line 17 of said section, by inserting immediately after said line the following:

"569.080. 1. A person commits the crime of tampering in the first degree if:

(1) **He or she** for the purpose of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service; or

(2) **He or she** knowingly receives, possesses, sells, alters, defaces, destroys or unlawfully operates an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner thereof.

2. Tampering in the first degree is a class C felony.

3. Upon a finding by the court that the probative value outweighs the prejudicial effect. Evidence of the following is admissible in any criminal prosecution of a person under subdivision (2) of subsection 1 of this section to prove the requisite knowledge or belief:

(1) **That he or she received, possessed, sold, altered, defaced, destroyed, or operated an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle unlawfully on a separate occasion;**

(2) That he or she acquired the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle for a consideration which he or she knew was far below its reasonable value.

569.090. 1. A person commits the crime of tampering in the second degree if he **or she**:

(1) Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tamper or makes connection with property of a utility; or

(4) Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam or water service; or

(b) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (4) of subsection 1, in which case it is a class D felony;

(2) The defendant has a prior conviction or has had a prior finding of guilt pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, section 570.080, or subdivision (2) of subsection 1 of this section, in which case it is a class C felony.

570.030. 1. A person commits the crime of stealing if he or she [appropriates]:

(1) **Appropriates** property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(2) **Obtains control over property or services knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe that the property was stolen; or**

(3) **Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him or her by any law enforcement officer or any individual acting on behalf of a law enforcement agency as being stolen; and**

(a) **Intends to deprive the owner permanently of the use or benefit of the property; or**

(b) **Knowingly uses, conceals, or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or**

(c) **Uses, conceals, or abandons the property knowing such use, concealment, or abandonment is likely to deprive the owner permanently of such use or benefit.**

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels;

(6) That he or she obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe that the property was stolen.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo; or

(l) Anhydrous ammonia; or

(m) Ammonium nitrate.

4. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

570.040. 1. Every person who has previously pled guilty or been found guilty on two separate occasions of a stealing-related offense where such offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offense and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a class D felony, **unless the subsequent plea or guilty verdict is pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, in which case the person shall be guilty of a class B felony**, and shall be punished accordingly.

2. As used in this section, the term "stealing-related offense" shall include federal and state violations of criminal statutes against stealing or buying or receiving stolen property and shall also include municipal ordinances against same if the defendant was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior guilty pleas or findings of guilt.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he **or she** receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section to prove the requisite knowledge or belief of the alleged receiver:

(1) That he **or she** was found in possession or control of other property stolen on separate occasions from two or more persons;

(2) That he **or she** received other stolen property in another transaction within the year preceding the transaction charged;

(3) That he **or she** acquired the stolen property for a consideration which he **or she** knew was far below its reasonable value;

(4) That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

3. Receiving stolen property is a class A misdemeanor unless the property involved has a value of five hundred dollars or more, or the person receiving the property is a dealer in goods of the type in question, in which cases receiving stolen property is a class C felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Kratky, **House Amendment No. 6** was adopted.

Representative Jones offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 353, Section 595.209, Page 58, Line 130, by inserting immediately after said line the following:

“650.030. The director of public safety shall have authority to establish a state firearms training and qualification standard for retired law enforcement officers carrying concealed firearms pursuant to 18 U.S.C. 926C of the Law Enforcement Officers Safety Act of 2004, and shall promulgate rules for the implementation of this state standard as required by 18 U.S.C. Section 926C(d)(2)(B). Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones, **House Amendment No. 7** was adopted.

Representative Darrough offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 353, Section 542.276, Page 35, Line 66, by inserting after all of said line the following:

“544.170. 1. [Except as provided in subsection 2 of this section,] all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within [twenty] **thirty-six hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.**

2. [Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law shall be released from custody within twenty-four hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

(1) First degree murder pursuant to section 565.020, RSMo;

(2) Second degree murder pursuant to section 565.021, RSMo;

- (3) First degree assault pursuant to section 565.050, RSMo;
- (4) Forcible rape pursuant to section 566.030, RSMo;
- (5) Forcible sodomy pursuant to section 566.060, RSMo;
- (6) First degree robbery pursuant to section 569.020, RSMo; or
- (7) Distribution of drugs pursuant to section 195.211, RSMo.

3.] In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

[4.] **3.** Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cooper (120) offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1
for
House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 353, Section 542.276, Page 35, Line 66, by inserting after all of said line the following:

“544.170. 1. [Except as provided in subsection 2 of this section,] all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within [twenty] **twenty-four** hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. [Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law shall be released from custody within twenty-four hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

- (1) First degree murder pursuant to section 565.020, RSMo;
- (2) Second degree murder pursuant to section 565.021, RSMo;
- (3) First degree assault pursuant to section 565.050, RSMo;
- (4) Forcible rape pursuant to section 566.030, RSMo;
- (5) Forcible sodomy pursuant to section 566.060, RSMo;
- (6) First degree robbery pursuant to section 569.020, RSMo; or
- (7) Distribution of drugs pursuant to section 195.211, RSMo.

3.] In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

[4.] **3.** Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Bringer offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8.**

House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 8

AMEND House Substitute Amendment No. 1 for House Amendment No. 8 to House Committee Substitute for House Bill No. 353, Page 1, Section 544.170, Line 7, by deleting said line and inserting in lieu thereof the following:

“shall be discharged from said custody within 32 hours from the time of such arrest;”.

On motion of Representative Bringer, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8** was adopted by the following vote:

AYES: 093

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Bringer	Bruns	Byrd
Casey	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Darrough	Daus	Day	Deeken
Dethrow	Dixon	Donnelly	Dusenberg	Ervin
Fares	Flook	Fraser	Goodman	Guest
Harris 23	Harris 110	Haywood	Henke	Hobbs
Icet	Jackson	Johnson 90	Jolly	Kelly
Kingery	Kratky	Kraus	Kuessner	Lembke
LeVota	Liese	Lipke	May	Meadows
Moore	Munzlinger	Muschany	Nieves	Page
Pearce	Pratt	Roark	Robb	Robinson
Roorda	Ruestman	Sander	Schaaf	Schlottach
Schoemehl	Selby	Self	Shoemyer	Silvey
Skaggs	Spreng	Stefanick	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Viebrock
Villa	Wagner	Walsh	Walton	Whorton
Wilson 130	Witte	Wright 137	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 060

Bland	Brooks	Brown 50	Burnett	Chinn
Chappelle-Nadal	Cooper 120	Curls	Davis	Dempsey
Denison	Dougherty	El-Amin	Emery	Faith
Fisher	Franz	Hoskins	Hubbard	Hughes
Hunter	Johnson 47	Johnson 61	Jones	Lager
Lampe	Loehner	Low 39	Lowe 44	McGhee
Meiners	Myers	Nance	Nolte	Oxford
Parker	Parson	Phillips	Pollock	Portwood
Quinn	Rector	Richard	Rucker	Rupp
Sater	Schad	Schneider	Smith 14	Tilley
Vogt	Wallace	Wasson	Wells	Weter
Wildberger	Wilson 119	Wood	Wright 159	Wright-Jones

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Black	Bowman	Boykins	Brown 30
George	Marsh	Salva	Smith 118	

VACANCIES: 001

On motion of Representative Cooper (120), **House Substitute Amendment No. 1 for House Amendment No. 8, as amended**, was adopted.

Representative Donnelly offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 353, Section 1, Page 60, Line 44, by inserting immediately after said line the following:

“Section 2. 1. The following words and phrases when used in this section shall mean:

(1) “Political Cyberfraud”, a knowing and willful act concerning a political web site that is committed with the intent to deny a person access to a political web site, deny a person the opportunity to register a domain name for a political web site, or cause a person reasonably to believe that a political web site has been posted by a person other than the person who posted the web site, and would cause a reasonable person, after reading the web site, to believe the site actually represents the views of the proponent or opponent of a ballot measure. Political cyberfraud includes, but is not limited to, any of the following acts:

(a) Intentionally diverting or redirecting access to a political web site to another person’s web site by the use of a similar domain name, meta-tags, or other electronic measures;

(b) Intentionally preventing or denying exit from a political web site by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures;

(c) Registering a domain name that is similar to another domain name for a political web site;

(d) Intentionally preventing the use of a domain name for a political web site by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.

(2) “Domain name”, any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet;

(3) “Political Web site”, a Web site that urges or appears to urge the support or opposition of a ballot measure.

2. This act shall be known and may be cited as the “Missouri Political Cyberfraud Act.”

3. It is unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud. Such violation shall be a Class B misdemeanor. The court may also order the transfer of a domain name as restitution.

4. This section does not apply to a domain name registrar, registry, or registration authority.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Donnelly moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 066

Aull	Baker 25	Bivins	Bland	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fares	Fraser

Harris 23	Harris 110	Haywood	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Sander	Schoemehl	Selby	Shoemyer	Skaggs
Spreng	Storch	Swinger	Villa	Vogt
Wagner	Walsh	Walton	Weter	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

NOES: 087

Avery	Baker 123	Bearden	Behnen	Black
Bruns	Byrd	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fisher
Flook	Franz	Goodman	Guest	Hobbs
Hunter	Ice	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	May	McGhee	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sater
Schad	Schlottach	Schneider	Self	Silvey
Smith 14	Stefanick	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Bowman	Brown 30	George	Marsh
Moore	Schaaf	Smith 118	Stevenson	

VACANCIES: 001

Representative Cooper (158) offered **House Amendment No. 10**.

Representative Harris (23) raised a point of order that the distribution of **House Amendment No. 10** was not timely.

The Chair ruled the point of order well taken.

On motion of Representative Lipke, **HCS HB 353, as amended**, was adopted.

On motion of Representative Lipke, **HCS HB 353, as amended**, was ordered perfected and printed.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SB 287 - Special Committee on Education Funding

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Pollock is no longer a member of the Appropriations-General Administration Committee.

Representative Wilson (130) is no longer a member of the Small Business Committee.

Representative Denison is no longer a member of the Tourism Committee.

Representative Silvey has been appointed a member of the Appropriations-General Administration Committee, Small Business Committee and the Tourism Committee.

LETTER OF RESIGNATION

April 15, 2005

The Honorable Rod Jetton
Speaker of the House
House of Representatives
State Capitol Building, Room 308
Jefferson City, MO 65101

Dear Mr. Speaker:

Effective Monday, April 18, 2005 at 2:59 p.m. I am resigning as the State Representative from the 150th District, as I will be sworn in as the Senator from the 16th District immediately following.

It has been a great pleasure to serve the constituents from the 150th District and I look forward to representing the 16th Senatorial District. It has also been an honor to serve with you and the members of the House of Representatives.

Please feel free to stop by my Senate office any time, my room number is 425.

Warmest regards,

/s/ Frank Barnitz
State Representative
District 150

WITHDRAWAL OF HOUSE BILL

April 18, 2005

Mr. Stephen S. Davis
Office of the Chief Clerk
Room 306C, State Capitol
Jefferson City, MO 65101

Mr. Davis,

I respectfully request that **House Bill No. 133**, relating to residency requirements for St. Louis City police officers, be withdrawn. Thank you for your consideration in this matter.

Sincerely,

/s/ Representative Charles Portwood
District 92

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, April 19, 2005.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Jason Brown, District 30, hereby state and affirm that my vote as recorded on the motion to adopt House Amendment No. 9 to House Committee Substitute for House Bill No. 353 in the House Journal for Monday, April 18, 2005 showing that I voted absent was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 18th day of April 2005.

/s/ Jason Brown
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 18th day of April in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 21, 2005, 8:00 a.m. Hearing Room 5.
House Policy Revisions.

AGRICULTURE POLICY

Tuesday, April 19, 2005, 12:00 p.m. Hearing Room 1.
Possible Executive session.
Public hearings to be held on: HB 211, SCS SB 355,
SB 171, SCS SB 147, SB 187

BUDGET

Tuesday, April 19, 2005, 8:00 a.m. Hearing Room 3.
Annual Tax Credit Review pursuant to 33.282, RSMo.
Executive session.
Public hearing to be held on: HJR 12

CHILDREN AND FAMILIES

Wednesday, April 20, 2005, 8:00 a.m. Hearing Room 7.
Executive session may follow.
Public hearing to be held on: HB 970

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, April 20, 2005, 8:00 a.m. Hearing Room 4.
Executive session may follow.
Public hearings to be held on: HB 590, HB 772, HB 875

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 19, 2005, 6:00 p.m. Hearing Room 1.
Executive session may follow.
Public hearings to be held on: HB 920, SCS SBs 23 & 51

ELECTIONS

Tuesday, April 19, 2005, 6:00 p.m. Hearing Room 5.
Public hearings to be held on: HB 676, HB 929, HB 953
Executive session will be held on: HB 214, HJR 14

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 20, 2005, 8:00 a.m. Hearing Room 3.
Executive session may follow.
Public hearings to be held on: HB 472, HB 909, HB 946

HEALTH CARE POLICY

Wednesday, April 20, 2005, 8:00 a.m. Hearing Room 6.
Executive session may follow. AMENDED
Public hearings to be held on: HB 770, HB 805, HB 905, HCR 31

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 20, 2005, 12:00 p.m. Hearing Room 6.

Senate bills will be heard first.

Executive session may follow.

Public hearings to be held on: HB 89, HB 787, HB 837,
HB 884, SB 99, SS SB 343

JUDICIARY

Tuesday, April 19, 2005, Hearing Room 7 upon morning recess.

Executive session will follow. AMENDED

Public hearings to be held on: HJR 23, HCR 29,
HB 594, SS SCS SB 346, SB 232

LOCAL GOVERNMENT

Tuesday, April 19, 2005, upon morning recess Hearing Room 6.

Executive session. AMENDED

LOCAL GOVERNMENT

Thursday, April 21, 2005, 8:00 a.m. Hearing Room 6.

Public hearings to be held on: HB 778, SCS SB 468, SS SCS SB 32

Executive session will be held on: SCS SB 468, HB 778, SS SCS SB 32

SPECIAL COMMITTEE ON EDUCATION FUNDING

Tuesday, April 19, 2005, 6:00 p.m. Hearing Room 6.

Committee hearing will begin at 6:00 p.m. or upon adjournment, whichever is later.

Executive session may follow.

Public hearings to be held on: HB 896, SS SCS SB 287

TOURISM

Tuesday, April 19, 2005, 12:00 p.m. Hearing Room 5.

Public hearings to be held on: SB 274, SB 358

Executive session will be held on: HB 754, SB 180

Executive session may be held on: SB 274, SB 358

TRANSPORTATION

Wednesday, April 20, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 653, HB 469, HB 817

HOUSE CALENDAR

FIFTY-EIGHTH DAY, TUESDAY, APRIL 19, 2005

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 474 - Yates
- 2 HCS HB 628 - Byrd

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- 3 HCS HB 255 - Cunningham (86)
- 4 HCS HB 387 - Byrd
- 5 HB 205 - Salva
- 6 HCS HB 49 & 50 - Jolly
- 7 HCS HB 36 - Davis
- 8 HCS HB 400 - Yates
- 9 HB 417 - Yates
- 10 HCS HB 649 - Fares
- 11 HB 617, HCA 1 - Kelly
- 12 HB 572 - Stevenson
- 13 HCS HB 560 - Wright (137)
- 14 HCS HB 827 - Portwood
- 15 HCS HB 498 - Kratky
- 16 HCS HB 853 - Loehner
- 17 HCS#2 HB 568 - Stevenson
- 18 HCS HB 691 - Cooper (120)
- 19 HCS HB 863 - Wasson
- 20 HB 832 - Brooks
- 21 HCS HB 866 - Wilson (130)
- 22 HCS HB 640 - Pearce
- 23 HB 291 - Cooper (155)
- 24 HCS HB 272 - Pratt
- 25 HB 196 - Wildberger
- 26 HB 116 - Deeken
- 27 HCS HB 697 - Lembke
- 28 HB 721 - Flook
- 29 HCS HB 824 - Hobbs
- 30 HCS HB 671 - Sutherland
- 31 HCS HB 804 - Smith (118)
- 32 HB 679 - Kraus
- 33 HCS HB 91 - Johnson (47)
- 34 HCS HB 192 - Sander

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 639, as amended - Hoskins
- 2 HB 376 - Guest
- 3 HCS HB 519, as amended - Roark (3 hours debate on Perfection)

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HCS HB 500 & 533 - Faith

HOUSE BILLS FOR THIRD READING

- 1 HB 375 - Nance
- 2 HCS HB 209 - Cooper (120)

- 3 HCS HB 576 - Flook
- 4 HCS HB 525 - May
- 5 HCS HB 532 - Spreng
- 6 HB 530 - Moore
- 7 HB 320 - Muschany
- 8 HCS HB 440 - Pratt
- 9 HCS HB 286 - Bland
- 10 HCS HB 353 - Lipke

HOUSE BILL FOR THIRD READING - CONSENT

HCS HB 508, E.C. - Pratt

SENATE CONCURRENT RESOLUTION

SCR 2, (3-02-05, Pages 470-471) - Sander

SENATE JOINT RESOLUTION FOR THIRD READING

SS SJR 1 - Chinn

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/05)

- 1 HCS SCS SB 24 - Schlottach
- 2 SCS SB 68 - Yates
- 3 SB 71 - Nieves
- 4 HCS SCS SB 100 - Dixon
- 5 HCS SCS SBs 103 & 115 - Yates
- 6 SB 131 - Yates
- 7 SCS SB 133 - Yates
- 8 SB 149 - Stevenson
- 9 SB 156 - Richard
- 10 SB 178 - Schaaf
- 11 SB 211 - Cooper (120)
- 12 SCS SB 222 - Sutherland
- 13 HCS SCS SB 246 - Hoskins
- 14 SB 259 - Baker (123)
- 15 SB 261 - Yates
- 16 SCS SB 266 - Fares
- 17 SCS SB 267 - Jackson
- 18 SB 279 - Wasson
- 19 SCS SB 289 - Tilley
- 20 SB 298 - Wright-Jones
- 21 SB 299 - Wright-Jones
- 22 SCS SB 302 - Cunningham (86)

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- 23 SB 306 - Dethrow
- 24 HCS SB 307 - Kuessner
- 25 SB 318 - Cooper (120)
- 26 SB 347 - Cooper (155)
- 27 SB 394 - Pearce
- 28 SCS SB 407 - Lipke
- 29 SB 453 - St. Onge
- 30 SB 480 - Kraus
- 31 HCS SB 490 - Pearce
- 32 SCS SB 501 - Stefanick
- 33 SB 507 - Baker (25)
- 34 SB 516 - Richard
- 35 SB 518 - Cooper (155)

(4/18/05)

- 1 SCS SB 6 - Lager
- 2 HCS SB 38 - Ruestman
- 3 SB 122 - Wright (137)
- 4 SB 162 - Cooper (155)
- 5 HCS SB 174, E.C. - Bruns
- 6 HCS SB 177 - Behnen
- 7 HCS SCS SB 182 - Rector
- 8 SB 209 - Pearce
- 9 HCS SB 216 - Goodman
- 10 SCS SB 227 - Kuessner
- 11 HCS SCS SB 238 - Faith
- 12 SCS SB 247 - Bruns
- 13 SB 265 - Wood
- 14 SB 288 - Lager
- 15 SB 304 - Ervin
- 16 HCS SB 308 - Pollock
- 17 SB 317 - Johnson (47)
- 18 SCS SB 354 - Schlottach
- 19 SB 357 - Smith
- 20 HCS SB 364, E.C. - Franz
- 21 HCS SCS SB 372 - Kuessner
- 22 SCS SB 374 - Zweifel
- 23 SB 396 - Cooper (158)
- 24 HCS SB 401 - Lembke
- 25 SB 418 - Lipke
- 26 HCS SB 422 - Yates
- 27 HCS SCS SB 423 - Lipke
- 28 HCS SCS SB 450, E.C. - Portwood
- 29 SCS SB 496 - Kelly
- 30 SCS SB 502, E.C. - Portwood
- 31 SB 521, HCA 1 - Cooper (158)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 270, E.C. - Richard
- 2 HCS SB 21 - Stevenson
- 3 HCS SCS SB 70 - Richard

HOUSE CONCURRENT RESOLUTION

HCS HCR 25, (3-10-05, Pages 588-589) - Schlottach